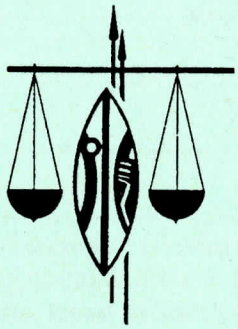

CONFERENCE REPORT

of the

AFRICAN CANADIAN COMMUNITY PREPARATORY CONFERENCE

"Eliminating Racism: Linking Local and Global Strategies for Change"

March 24 - 25, 2000
Toronto, ON

for the

UNITED NATIONS WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

South Africa
August 31 - September 27, 2001

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ACKNOWLEDGEMENTS

The African Canadian Legal Clinic is pleased to acknowledge the following organizations and government departments for their support in making the African Canadian Community Preparatory Conference for the upcoming United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance a tremendous success:

- **Canadian Labour Congress;**
- **Canadian Race Relations Foundation;**
- **Court Challenges Program of Canada;**
- **Department of Canadian Heritage;**
- **Department of Justice; and the**
- **Law Society of Upper Canada.**

The African Canadian Legal Clinic would like to extend special recognition to all of the speakers, facilitators, moderators, recorders and volunteers who gave so generously of their time, and who continue to support the work of the African Canadian Coalition Against Racism (ACCAR).

GREETINGS FROM EXECUTIVE DIRECTOR, ACLC

August, 2000

Dear Conference Participant:

Re: African Canadian Community Preparatory Conference for the U.N. World Conference Against Racism - March, 2000

Thank you once again for your participation and contribution in making the African Canadian Legal Clinic's (ACLC) African Canadian Community Preparatory Conference a success. I am pleased to enclose a final copy of the Conference Report in this package. The report summarizes many of the key discussions that took place at the Conference.

As part of the commitment made at the Conference to provide updates on developments and activities with respect to the World Conference, the ACLC is pleased to provide you with a copy of this report.

Yours truly,

Margaret Parsons
Executive Director

Encl/

330 BAY STREET, SUITE 306, TORONTO, ONTARIO M5H 2S8 TEL: (416) 214-4747 FAX: (416) 214-4748

August, 2000

Dear Friends:

The ACLC is pleased to present the final report of the African Canadian Community Preparatory Conference for the upcoming United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held from August 31 to September 7, 2001 in South Africa. The Preparatory Conference, entitled *Eliminating Racism: Linking Local and Global Strategies for Change*, was held on March 24 and 25, 2000 in Toronto, and was the first and to date, the only, Canadian Preparatory Conference for the UN World Conference against Racism.

The United Nations General Assembly has long since formulated and adopted the goal of eliminating racism and racial discrimination world-wide and this goal is embodied in the United Nations commitment to convene the upcoming World Conference against Racism. The inaugural African Canadian Preparatory Conference for the UN World Conference against Racism was an effort to help increase Canadian community-based groups' ("NGOs") understanding and participation in the entire world conference process. It was a catalyst to increasing community-based groups' use of the entire international human rights system in their domestic advocacy, in addition to world conferences.

Over two hundred (200) NGO representatives from across Canada attended the Preparatory Conference, the effects of which are still reverberating and taking on new and dynamic forms. Every group and stakeholder benefited from the precedent setting National Conference. Non-governmental community organizations are now part of a national effort to combat racism globally and to promote human rights worldwide. Government has gained by receiving information about the experiences of African Canadians and their important perspective on how to improve Canada's human rights protections. Throughout the preparatory process for the UN World Conference, the ACLC will continue to share information with other racialized communities in an effort to promote full involvement of all racialized and Aboriginal People in the domestic and international campaign against racism.

The Canadian Government's co-sponsorship of the United Nations resolution calling for the UN World Conference against Racism is encouraging, but to eliminate racism, the Canadian Government must fully recognize the unique history of slavery and colonialism and their relationship to current forms of racism as well as highlight the important contributions of African Canadians across institutions. The Canadian Government must demonstrate its commitment to the complete elimination of racism in Canada by paying critical attention to the elimination of anti-Black racism in employment, immigration, criminal justice, education, health and environmental policy. Moreover, the Canadian Government has acceded to many of the legally binding international human rights standards and procedures that, if fully implemented, would offer greater protections against racism and racial discrimination. The Canadian government must now vigorously implement those laws domestically.

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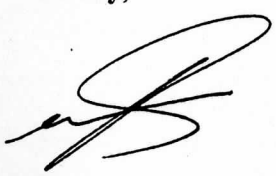
The Preparatory Conference was a significant step toward ensuring that people of African descent will help to shape the agenda for the upcoming World Conference against Racism and toward eliminating anti-Black racism in Canada. As a result of the Preparatory Conference a National NGO Working Group entitled, the African Canadian Coalition against Racism (ACCAR) was formed to carry out the Preparatory Conference recommendations and to facilitate community participation in the preparation for the World Conference. The creation of ACCAR, was an historic event. Indeed, the ACLC is unaware of any similar national group in African Canadian history that is aimed at helping people to implement their international human rights at the local level.

ACCAR reflects the diversity of the African Canadian community with regard to gender, language, sexual orientation, immigrant status and regionally. It has met monthly since the Preparatory Conference, formed committees, gathered research and engaged in outreach and education with local communities. ACCAR members have participated in meetings with the Canadian Government to assist in the development of the Government's understanding of anti-Black racism and to formulate a national consultation plan of action that will enable racialized groups to centre their experiences in the government's efforts prior to the World Conference. Despite the involvement of ACCAR members, the Canadian Government has so far resisted acknowledging ACCAR as a participating organization.

Finally, in Geneva Switzerland, ACCAR members brought many of the concerns of African Canadians to the world stage through participation in the first UN Preparatory Committee (PrepCom) meeting for the upcoming UN World Conference Against Racism. ACCAR made links with NGOs from around the world in order to help broaden strategic alliances, and now ACCAR is one of two Canadian NGO members of the international NGO Co-ordinating Committee for the UN World Conference Against Racism.

The African Canadian Legal Clinic pays special attention to the ongoing anti-Black racism that gives rise to daily human rights violations in Canada. Canadian anti-Black racism starts and ends with the denial of racism and the exclusion of African Canadians from Canadian institutions and decision-making processes. Denial and exclusion will not be accepted as we work toward full participation in the upcoming UN World Conference Against Racism in 2001. Therefore, we encourage all of you to join us in the fight against anti-Black racism and other forms of racial discrimination, xenophobia and related intolerance as we move toward South Africa. The recommendations arising from the strategic roundtable discussions and the community strategy sessions are an important first step to eliminating contemporary forms of anti-Black racism in Canada

Sincerely,



Margaret Parsons
Executive Director
AFRICAN CANADIAN LEGAL CLINIC

INTRODUCTION

The purpose of the African Canadian Community Preparatory Conference for the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance Conference is:

1. **To share information about contemporary forms of direct and systemic anti-Black racism in Canada;**

2. **To educate participants on the relationship between domestic and international human rights law and the applicability of international human rights instruments to modern forms of racial discrimination throughout Canada;**

3. **To review "best practices" or the most effective existing methods for the prevention and remedy of anti-Black racial discrimination in Canada; and**

4. **To develop recommendations for the elimination of anti-Black racism in Canada and globally, and to plan for strategic implementation of those recommendations.**

This Conference Report includes a summary of the conference proceedings that examined anti-Black racism thematically and within key Canadian social, political and economic institutions. The Report advances recommendations for change at the domestic and international level, and the recommendations serve as a guide for the continued work of the African Canadian Coalition against Racism (ACCAR).

PARTICIPANTS

Approximately 200 Conference Participants attended the Preparatory Conference. African Canadian participants represented the broad diversity of the Continental African, Caribbean and Indigenous Black Canadian communities with regard to gender, disability, geographical location/regional representation, sexual orientation, age, language and religion. Representatives from a number of American NGOs preparing for the World Conference Against Racism also joined Canadian participants. In addition, there was a compliment of legally trained participants together with non-legal advocates and community members. The ACLC recognized the importance of including other racialized communities in the discussion in order to identify areas of common concern, highlighted by a panel that specifically addressed "Building Coalitions to Eradicate Racial Discrimination."

ANTI-BLACK RACISM

There are approximately 575,000 African Canadians in Canada, comprising 2.01% of the overall population and 18% of all visible minorities.[1] While African Canadians live throughout Canada, almost half of all African Canadians live in the province of Ontario. There is also sizeable African Canadian populations in Montreal, Quebec, and in the province of Nova Scotia.

Anti-Black racism, which is rooted in slavery and colonialism, is a fundamental aspect of Canadian history and culture.[2] Racism in Canada is often subtle, but pervasive. It is precisely the type of racism that is not generally accompanied by racial slurs or explicitly prohibitive legislation, notwithstanding a history that includes almost two hundred years of slavery. It is deeply entrenched in Canadian institutions, policies and practices, so much so that systemic racism is either functionally normalized or rendered invisible to dominate white society. This contemporary form of racism nonetheless replicates the historical *de jure* and *de facto* substantive conditions and effects of spatial segregation, economic disadvantage and social division.[3] It involves systemic discrimination in the immigration and refugee system, the criminal justice system, employment, education, health, and other spheres of society.

Surveys show that upwards of 55% of Canadians admit that they are somewhat racist.[4] In Toronto, the highest numbers of violent hate crimes are committed against African Canadians.[5] These factors alone demonstrate that economics and class are not the only explanation for racism. Canada's full participation in the efforts to forward economic globalization have been of no positive consequence to African Canadians who still find themselves with higher rates of unemployment and experiencing pervasive racism in the workplace.[6] Additionally, racial minorities are consistently paid lower salaries than other Canadians despite generally having higher levels of education.[7] Rather than implement affirmative action, the current Ontario Provincial Government repealed the province's first employment equity legislation before it had barely taken effect.

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1 Census Canada, 1996 Census: Ethnic Origin, Visible Minorities. The total population of Canada is approximately 28 million people. Visible minorities are defined as "persons, other than Aboriginal Peoples, who are non-Caucasian in race or non-white in colour."

2 W. Tarnopolsky and W. Pentney, Discrimination and the Law (Scarborough: Carswell, 1994) at 1-1 to 1-26. E. Mendes, ed., Racial Discrimination Law and Practice (Scarborough: Carswell, 1995) at 1-1 to 1-11.

3 See generally: Constance Backhouse, "Racial Segregation in Canadian Legal History: Viola Desmond's Challenge, Nova Scotia, 1946" (Fall 1994) 17 Dalhousie L.J. 299-362; B. S. Bollaria and P. S. Li, Racial Oppression in Canada (Toronto: Garamond Press, 1988) at 185-205; F. Henry et al., Colour of Democracy: Racism in Canadian Society, 2d ed. (Toronto: Harcourt Brace Canada, 2000); James St. G. Walker, "Race" Rights and the Law in the Supreme Court of Canada (Toronto: The Osgoode Society, 1997); and Robin W. Winks, The Blacks in Canada: A History, 2d ed. (Kingston: McGill-Queen's University Press, 1997).

4 F. Henry et al., supra, note 3 at 96.

5 Annual statistics prepared by the Hate Crimes Unit of the Toronto Police Service, 1999.

6 M. Orienstein, Report on Ethno-Racial Inequality in Metropolitan Toronto: Analysis of the 1991 Census (Toronto: Access and Equity Centre of the (former) Municipality of Metropolitan Toronto, 1997).

7 F. Henry et al., supra, note 3 at 105.

The facts about Canadian racism greatly contradict Canada's global race-free image notwithstanding the fact that Canada has set up several mechanisms that are purportedly available to redress racial discrimination. These mechanisms include the Canadian Charter of Rights and Freedoms, Provincial and Federal Human Rights Legislation and Commissions, the Multiculturalism Act, the Federal Employment Equity Act and the international human rights instruments to which Canada has acceded. What must be emphasized however, is the virtual lack of enforcement and implementation of these mechanisms. With regard to anti-Black racism, these protections are almost unenforced. Instead, Canadian human rights mechanisms have been and continue to be complicit in reproducing or supporting individual and institutional anti-Black racism. For example, federal and provincial human rights commissions have an equally dismal record of not enforcing the human rights of African Canadians and other racialized groups. Human rights commissions have a 2-4 year delay in investigating most race-based claims and actually fail to adjudicate approximately 96% of those claims. A lack of appropriate remedies, non-enforcement of existing laws, and a consistent state of denial about racism are the reality today in Canada. This Preparatory Conference is an effort to end these trends.

SUMMARY OF PROCEEDINGS

FRIDAY, MARCH 24, 2000

Keynote Address: The Impact of Economic Globalization on People of African Descent

The National Conference opened on the morning of Friday, March 24, 2000 with a keynote address by Joan Grant-Cummings, President of the National Action Committee on the Status of Women. Her topic was "**The Impact of Economic Globalization on People of African Descent**." Ms. Grant-Cummings provided an in-depth analysis of globalization and racism, and highlighted the links between anti-Black racism in Canada and racism against People of Colour throughout the world.[8]

Opening Panel: Internationalizing Local Efforts to Eliminate Racism

The opening was followed by a panel discussion on the topic of "**Internationalizing Local Efforts to Eliminate Racism**." The panellists were Dr. M. Douglas Scott, Director and General Counsel, International Capacity Building Services, Inc., Washington, D.C.; Jeff Bullard, Acting Director, Multiculturalism Program, Department of Canadian Heritage; Dr. Esmeralda Thornhill, James Robinson Johnson Chair in Black Canadian Studies at Dalhousie Law School; and Burnley "Rocky" Jones of "Rocky" Jones and Associates in Halifax. Together, the panellists discussed the myriad of ways that local efforts could draw on international law standards and policies.

Luncheon Keynote Address: On the Road to South Africa: Lessons from Beijing

Eunadie Johnson, Executive Director of Women's Health in Women's Hands, gave the luncheon address. Ms. Johnson stressed that the only way to be part of the outcome of the UN World Conference Against Racism was to be part of the preparatory methodology and preparation for the Conference. She explained the need for an integrated gender analysis and the importance of connecting the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Further she helped illuminate the global links of racism and the importance of building alliances with Black people and People of Colour around the world. Ms. Johnson reminded participants that

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8 See Appendix IV for the text of the presentation by Ms. Joan Grant-Cummings, President, National Action Committee on the Status of Women.

racism is fundamentally an issue of violence and power and that racism as a major detriment to health must be addressed. Finally, Ms. Johnson encouraged participants to start at home and to be diligent in the struggle to eliminate the severe anti-Black racism in Canada: "The elimination of racism is a right, not a privilege and Canada must begin to respond accordingly."

Strategic Roundtable Sessions

Friday afternoon was critical. It was devoted to eight concurrent roundtable sessions on issues and institutions of particular concern to African Canadians and these issues parallel the United Nations World Conference Against Racism themes. A separate roundtable was held on each of the following: (1) Criminal Justice and Policing: Countering State Use of Force against African Canadians, (2) Race and Education, (3) Immigration and Refugee Issues: Promoting Full Participation and Reversing the Tide of Criminalization and Expulsion, (4) Economic Globalization and Environmental Racism, (5) Economic Globalization and New Challenges to Labour, (6) Economic Globalization and African Canadian Families and Children, (7) Combating Hate and Promoting Tolerance in the Digital Age, and (8) Gendered Racism: Challenges Faced by African Canadian Women. All participants reconvened at the end of the day on Friday to present reports from each of the roundtable sessions and to present recommendations.

Reception: Law Society of Upper Canada

Following the final session of the day, a reception was held at the Law Society of Upper Canada (LSUC) in conjunction with the LSUC Equity Initiatives Department. Professor Jack Greenberg, former Assistant Counsel with the NAACP Legal Defense and Education Fund, and Jacqueline Nzoyihera, of the Office of the UN High Commissioner for Human Rights, were honoured guests. They spoke about their work and the challenges that lay ahead for the elimination of racial discrimination throughout the world.

SATURDAY, MARCH 25, 2000

Strategic Planning

The entire morning of Saturday, March 25, 2000 was devoted to the creation of an action plan and the development of core recommendations which ultimately led to the development of the African Canadian Coalition against Racism (ACCAR) and the generation of a comprehensive list of recommendations. The creation of ACCAR was an historic event, and ACCAR has carried on the work of preparing for the World Conference.

Luncheon Keynote Address: "Preparing for the UN World Conference Against Racism"

The Saturday Luncheon Keynote Address was given by Jacqueline Nzoyihera of the Office of the UN High Commissioner for Human Rights. Ms. Nzoyihera reminded participants that the United Nations was created not only by Member States, but also through the lobbying efforts of non-governmental organizations (NGOs). She encouraged NGOs to act at the local and international level, lobbying government to have the UN deal with racism.

Four key panels were held on Saturday afternoon. The first panel provided essential information on **"The UN Human Rights System, the CERD Committee and the Inter-American System."** The panellists were Professor Sharryn Aiken, Osgoode Hall Law School; Dr. M. Douglas Scott Director and General Council of ICBS; Bruce Porter of the Charter Committee on Poverty Issues and CERA; and Dr. Ertriche Eddy, Consultant in Rehabilitation and Human Resources, Winnipeg. The panellists provided an overview on the UN System,

highlighting the Convention on the Elimination of All Forms of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Inter-American System. Panellists emphasized the importance of conceptualizing equality and other rights as legally enforceable human rights, not mere policy issues, and they provided suggestions on how to use the international fora to reinforce domestic human rights.

Professor Sharryn Aiken, discussed the UN Human Rights Treaty and Charter based systems, as well as the Inter-American System. She also highlighted the difference between the legal appeal and the Committee-Reporting system, as two distinct forms of advocacy. Throughout the presentation she shared insights about Canada's role within these systems. **Bruce Porter** discussed the Committee on Economic, Social and Cultural Rights and the effort to shift the human rights paradigm to a more substantive model of socio-economic rights. **Dr. Scott** gave an overview on the substantive provisions of CERD, and talked more in depth on what some NGOs around the world are doing to influence and inform the CERD Committee. **Dr. Ertriche Eddy** reviewed how NGOs can internationalize their work and the importance of facilitating a multicultural perspective, with a particular emphasis on the experience of African peoples throughout the Diaspora.

The second panel addressed the importance of **"Internationalizing the Human Rights of Women of Colour."** The panellists were **Professor Hope Lewis**, Northeastern University School of Law, Boston; **Professor Sherene Razack**, Ontario Institute for Studies in Education; **Justine Kiwanuka**, Advocate for the Rights of People with Disabilities, Winnipeg; and **Professor Joanne St. Lewis**, University of Ottawa, Faculty of Law. One of the proposed agenda items for the UN World Conference Against Racism is the implication of multiple identities (race, gender, colour, descent, national or ethnic origin). There has been considerable international progress toward understanding "women's rights as human rights," although the progress of women of African descent and other Women of Colour remains of critical concern. This session explored the intersection of these multiple identities and how the human rights of Black Women and Women of Colour can be forwarded at the local, national and international levels.

Professor Hope Lewis discussed intersecting issues and how race, class, disability, and national origin work together to shape women's lives, with a particular emphasis on Afro-Caribbean migrant women in the West. **Professor Sherene Razack** highlighted the response of Canada's legal system to the concerns of Women of Colour and issues that should be understood as international human rights violations. **Ms. Justine Kiwanuka** shared her approach to international work in advocating for the rights of the disabled and the role of race and gender in that work. **Professor Joanne St. Lewis** examined the limitations of Canadian law and society in understanding and accommodating the intersections of race and gender, and how an international approach would enhance the rights of Women of Colour in Canada.

The third panel was entitled, **"Building Coalitions to Eradicate Racial Discrimination."** The panellists were **Moy Tam**, Executive Director of the Canadian Race Relations Foundation; **Avvy Go,** Executive Director of the Chinese and Southeast Asian Legal Clinic in Toronto; **Sandra Carnegie-Douglas**, Executive Coordinator of the National Action Committee on the Status of Women, **Christiane Constant**, a practising lawyer in Montreal **and Professor Larry Chartrand** of the University of Ottawa, Faculty of Law. **Professor Chartrand** discussed the concerns of Aboriginal People with regard to equality rights. He explained that Indigenous People are not only discriminated against in terms of their individual identity, but also collectively. **Moy Tam** informed participants about the programs of the Canadian Race Relations Foundation and the way in which the Foundation facilitates coalition-building and co-operative partnerships among diverse racialized communities. **Avvy Go** compared the advantages and disadvantages of working in coalition and made recommendations on how to overcome obstacles to successful coalition-building. **Sandra Carnegie-Douglas** discussed coalition work within the women's community and made recommendations for coalition building in preparation for the UN World Conference Against Racism. Christiane Constant compared the similarities of the Quebec human rights system and that there was room for coalition building with racialized groups in Quebec who continue to experience racism.

The concluding panel focused on Section 15 of the Canadian Charter. It was entitled, **"Using the Charter and International Human Rights Standards in Domestic Race-Based Litigation."** The Panellists were **Estella Muyinda**, Legal Analyst with the Court Challenges Program, Winnipeg; **Professor Carol Aylward** of Dalhousie Law School in Halifax; **Lucy McSweeny** of Ebert, Symes in Toronto; and **Professor Ed Morgan**, Director of the Test Case Litigation Program at the University of Toronto, Faculty of Law. **Professor Aylward**, examined how to identify the legal dimensions of racism and how to translate critical race theory into practice. **Estella Muyinda** reviewed Charter s. 15 race jurisprudence, how international human rights standards could enhance the development of the jurisprudence, and the work of the Court Challenges Program of Canada. **Lucy McSweeny** and **Ed Morgan** added further dimension to the lively discussion by exploring the role of the *Charter* and international human rights in the context of intra-group equality rights of Aboriginal People. **Professor Morgan** also highlighted the U.S. response to Aboriginal rights, while **Lucy McSweeny** raised several current dilemmas in presenting evidence of inequality before the courts.

Closing Address: Honourable Hedy Fry

Finally, the Honourable Hedy Fry, P.C., M.P. Secretary of State for Multiculturalism and the Status of Women provided closing remarks for the National Conference. She covered a range of topics related to Multiculturalism and emphasized the importance of youth involvement in anti-racist initiatives. Honourable Hedy Fry expressed the desire to move beyond polite notions of diversity in Canada to actively eliminating racism. She also stated that the Canadian Government should be a global leader in ensuring the success of the World Conference Against Racism and she committed to ensuring broad participation of community-based groups in Canada's preparations for the World Conference Against Racism. The Honourable Fry explicitly agreed to consulting with the African Canadian community and to helping the Black community to participate in the process leading up to the World Conference. She promised to meet with a representative group of the African Canadian NGO representatives to begin that process.

Strategic Roundtable Sessions:

The objectives of the strategic roundtable sessions were to identify primary issues and institutions, highlight current legal mechanisms and "best practices," specify areas for improvement and link potential domestic and international strategies. The value of these sessions cannot be gain said, as the subsequent recommendations help to shape the agenda for the upcoming UN World Conference Against Racism. They are the first step in crystalizing in words and ideas the lives and rights of African Canadians.

Criminal Justice and Policing: Countering State Use of Force against African Canadians

Numerous human rights violations were identified by members of the Criminal Justice and Policing Roundtable, which are of critical concern to the African Canadian community. State use of force against African Canadians and ongoing direct and systemic racism in policing and the criminal justice system are rooted in almost two hundred years of Canadian slavery. African people were historically labelled as "violent" and "threatening" in order to justify their forced and violent enslavement. These same justifications are used today to "excuse" police use of excessive force against African Canadians.

Participants were concerned about the fact that African Canadians are subject to racial profiling and are more often targeted, stopped, arrested and detained by the police.[9] An extensive report concluded in 1995 showed that in a five-year period the number of Black prisoners admitted to Ontario prisons had increased by 204%, while the number of white prisoners admitted increased only 23%.[10] African Canadians are also victims of extreme police brutality and violence. The overwhelming majority of people shot and killed by police are African Canadian men. Toronto police officers have killed fifteen African Canadian men over the past twenty years and many more have died in custody. The legacy of slavery and colonialism is real for people of African descent in the Canada.

The administration of current Canadian immigration laws criminalizes immigrants of African descent. State enforcement of immigration law and abuse of discretion has added another dimension to the unfair coercion and detention of African Canadians, and daily violates their human rights. Under s. 70(5) of Canada's *Immigration Act*, non-citizens who are classified as a "danger to the public" may be arrested and incarcerated indefinitely pending deportation from Canada under opinion issued by the Minister of Immigration. The basis for issuing a "danger" opinion is being convicted of an offence for which you could be sentenced to 10 years or more, which encompasses a significant portion of offences in the Canadian Criminal Code. There is no hearing into the matter or right of appeal. To date, s. 70(5) has been used overwhelmingly in cases involving members of racialized groups, particularly people of African descent. For example, while African Canadians comprise only 3% of the population of the Province of Ontario, approximately 60% of the people deported from the Ontario Region since 1995 have been people of African descent, many of whom have lived in Canada since childhood as permanent residents.[11] African Canadians are also being detained in excessive numbers, and often for upwards of two years.

Overpolicing and criminalization through the criminal and immigration systems has had a devastating impact on the family, particularly since there has been a dramatic increase in the number of Black Women who have been thrust into the criminal justice system. It has been very difficult for African Canadian families to reverse direct and systemic racism because existing human rights enforcement mechanisms are woefully inadequate. For example, between 1992 and 1996, 5,629 public complaints were made by men, women and children against Metro Toronto police officers, while only 59 – just over 1% resulted in any form of discipline against the officer.[12] Conversely, it is extremely difficult for African Canadians to defend themselves from criminal charges and police abuse because of the limitations of provincial legal aid and unwillingness of private lawyers to take legal aid cases against police. Public legal education campaigns have helped in this regard, but more racially sensitive education and social services should be provided, particularly to African Canadian youth who are most vulnerable to police abuses.

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9 *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System* (Ontario: Queen's Printer, Dec. 1995) (Commissioners: D. Cole, M. Gittens et al.) S. Wortley, "Race police Contact and Perceptions of Criminal Injustice: Results from a Canadian Survey" (1996) Paper presented at the Annual Meeting of the American Society of Criminology; S. Wortley and G. Kellough, "The Probable Offender: Police and Crown Discretion and the Over-Representation of Black People in the Ontario Criminal Justice System", (1998) Paper presented at the International Conference on Criminology and Criminal Justice in the Caribbean; C. E. James, "Up to No Good": Black on the Streets and Encountering Police" in V. Satchewich, (ed.) *Racism and Social Inequality in Canada*, (Toronto: Thompson Educational Publishing, 1998)

10 Commission Report. Chapter 4.

11 Ontario Region Enforcement and Removal Statistics, Citizenship and Immigration Canada, January 1998.

12 Report by the Toronto Community Network on Policing, Anti-Racism, Access and Equity.

Key Recommendations

- Ensure proper training of police officers;
- Implement and enforce laws to make police officers more accountable, so that they are appropriately disciplined for misconduct;
- Mandatory thorough inquiries into all police shootings;
- Establish better access to legal services;
- Implement an alternative justice system that is particularly sensitive to family issues and, emphasis rehabilitation over incarceration;
- Amend the *Youth Offenders Act* to provide more emphasis on rehabilitation and use of alternate measures;
- Develop more social programs for youth;
- Repeal deportation legislation (s. 70[5] of the Immigration Act);
- Resist the privatization of prisons;
- End exploitation of Black prison labour; and
- Institute an International Criminal Code for youth that prohibits prosecuting youth as adults.

Race and Education

Anti-Black racism in education is an ongoing concern for African Canadians throughout Canada. Legalized segregation of African Canadian children has given way to other forms of excluding and marginalizing African Canadian students. As a result, it is important to examine whether African Canadians really have access to quality education in this country. Forms of exclusion and marginalization include (1) streaming, (2) racist and exclusionary curriculum, (3) a lack of role models, (4) educators' stereotyping and "lower expectations" of African Canadian students, (5) a hostile school atmosphere, (6) differential resource allocation to schools with large African Canadian student populations, (7) lack of response to racial harassment of African Canadian students, and (8) differential disciplinary action taken against African Canadian students, which increasingly involves police intervention and the resulting criminalization of African Canadian children and youth.

Educators are engaging in excessive discipline of African Canadian students by involving police and the criminal justice system, which interferes with the students' educational development. African Canadian students are often streamed into inferior schools and programs for "behavioural" reasons, or permanently excluded from the school system. Simultaneously programs designed to address the needs and concerns of African Canadian students are being cut or undermined. Other related areas include the racial discrimination experienced by African Canadian educators, racism within schools generally and in particular, lack of access to post-secondary education and broad racism in academe.

Extraordinary effort has been made by students, parents, teachers, administrators and the community over the years to help ensure that African Canadians receive quality education. Anti-racist curriculum, African Canadian heritage programs, Saturday schools, mentoring programs, transition

year programs, African-centred schools and anti-racism programs have helped to challenge racism in education and create space for African Canadian learners. In Nova Scotia, for example, an African Canadian division has been institutionalized within the provincial Department of Education. Yet these kinds of programs are rare, and attempts to initiate more are consistently fought against within and outside educational institutions.

Key Recommendations

Domestic

- Establish a process to give due credit to the contribution of Blacks in all areas throughout history (i.e., literature, mathematics, medicine, etc.) and to develop effective curriculum including those untold truths;
- Adopt and enforce a Student Human Rights Code in all educational institutions. The Code should include the necessity of retaining identity and culture of students, anti-racism principles, equity, and a nurturing environment;
- Identify and retrain teachers who are not effectively teaching African Canadian students and recruit anti-racist educators and guidance counsellors who have demonstrated effectiveness in the education of all students. Employment practices must explicitly include the recruitment and retention of significant numbers of staff of African descent at every level of the educational system;
- Provide funding for alternatives to the traditional education system. The failure of government institutions to provide for and fund the educational needs of African Canadian students necessitates the provision of alternative education delivered by the community to meet the students' and community's needs; and
- Establish a monitoring system which centres community-based organizations. The system should facilitate review of policies and represent students and parents who have been negatively affected by these policies.

International

- Implement the Convention for Elimination of All Forms of Racial Discrimination at both the federal and provincial level, particularly Article 4(d), which requires Canada to take action to eliminate all forms of racial discrimination and guarantee the right to education and training.

Immigration and Refugee Issues: Promoting Full Participation and Reversing the Tide of Criminalization and Expulsion

Anti-Black racism has informed immigration law, policies and practices throughout Canadian history. Today, over three-quarters of newcomers to Canada are People of Colour. Canada's response has been to implement harsher immigration and citizenship laws and to provide resources for immigration "enforcement". These harsh immigration policies have become the proxy for direct racism. Despite the small number of African Canadians relative to the total population, some of the most egregious impacts of these new immigration laws and policies disproportionately effect Black immigrants.

Racial discrimination begins at the point of contact with Canadian officials. Immigration and visa offices outside of Canada are primarily located in White western countries, while those offices located in predominantly Black countries are characterized by expensive, lengthy administrative procedures that are not required elsewhere. For example, DNA testing is required by over 85% of African immigrants, even though it should only be required in cases of doubt about the identity of the applicants. People of African descent also have also experienced name-calling and other indignities at the port of entry. A recent sociological study of the search practices of Canada Customs authorities shows that (a) 71% of Black passengers, compared to 33% of White/Asian passengers, were questioned by Customs officers; (b) 56% of Black passengers, compared to 10% of White/Asian passengers, had their bags searched; and (c) 88% of the passengers subjected to a strip search were Black, compared to 12% White/Asian.[13]

While Blacks have difficulty migrating to Canada, they are also the group that is being expelled most frequently. Racist anti-immigration sentiment has fuelled the mass expulsion of long-term African Canadian residents from Canada. For example, while African Canadians comprise only 3% of the population of the Province of Ontario, approximately 60% of the people deported from the Ontario Region since 1995 have been people of African descent, many of whom have lived in Canada since childhood as permanent residents.[14] African Canadians are also being detained in large numbers, sometimes for upwards of two years.

Other immigration and refugee concerns include: (1) the plight of African Canadian children whose parent/s are deported, (2) increased immigration and refugee "enforcement" measures, (3) mandatory DNA testing, (4) systemic discrimination in selection of immigrants under the "independent" class, (5) problems with the refugee determination system, (6) government refusal to grant permanent residency to "undocumented" refugees, (7) lack of access to legal services, (8) lack of appeal mechanisms within the immigration and refugee system, (9) lack of settlement resources, (10) lack of access to the trades and professions, (11) limited access to health care, education and other services, (12) marginalizaton of temporary or migrant workers, and (13) proposed changes to the *Citizenship Act*, which will make it more difficult to obtain citizenship and easier to lose citizenship.

Canada's image in the international community and the actual realities of its State sanctioned racist immigration policy are contradictory. The constantly changing immigration policies have allowed few if any benefits to Blacks seeking entry and the proposed new Immigration Act presents even more social, political and economic barriers for applicants. It is important to note that international human rights norms make no distinction between citizens and non-citizens with respect to certain fundamental rights, including due process rights. Instead, international human rights instruments

[13] Toronto Pearson Airport Study, based on a random survey of passengers arriving from Jamaica, 1998. The results were statistically analyzed by Professor Scott Wortley, Department of Criminology, University of Toronto.

[14] Ontario Region Enforcement and Removal Statistics, Citizenship and Immigration Canada, January 1998.

recognize the right to certain basic protections for all individuals regardless of citizenship status. Canada must reverse the trend toward a two-tiered social, political and economic and legal system in order to fulfil its international human rights obligations.

Key Recommendations

Domestic

- Undertake a public education campaign to encourage African Canadians to become citizens;
- Document and eliminate contemporary forms of racism in Canadian immigration policy and practice using domestic and international human rights systems;
- Expand the definition of "family" beyond the Western nuclear model and reduce the time for reunification of families;
- Ensure that the Ministry of Citizenship and Immigration keep disaggregated statistics based on race and gender in order to monitor the exercise of discretion by immigration officials, and require immigration officials to provide written reasons for their decisions;
- Examine the social and political impact of immigration on families who are unable to work; and
- Undertake initiatives to encourage mutual support between African immigrants and other Black communities in Canada.

International

- Commission to study the global impact of deportations of people of African descent.
- Establish an international accreditation system to address the problems faced by foreign-trained professionals.

Economic Globalization and Environmental Racism

Environmental racism refers to any government action, or failure to act, or an action of a private entity that has an environmental impact which disproportionately disadvantages whether intentionally or unintentionally individuals, groups, or communities of Colour. Environment is broadly defined as including where one works, plays or lives.

Racialization of Communities

In understanding economic globalization and environmental racism, we must first understand the deliberate racialization of communities. Southern countries whose populations are primarily People of Colour do not enjoy the same levels of economic development as northern western countries. Instead of addressing the structural problems that are a direct result of colonialism, UN member states and private actors delay or ignore issues and problems until they reach crisis proportion.

Access Issues

Linked to the problems around the racialization of communities are issues with respect to access. There is an uneven access to resources and services such as transportation and the poorer communities are no doubt at a disadvantage. This trend is also perpetuated by capitalism as business and services tend to locate where other services are.

Manifestation

While there is no domestic legal definition of environmental racism, there is a broad understanding of what it entails with respect to commodification of land use and land depletion. Environmental racism, unlike other forms of discrimination cannot be reduced to numbers. It goes beyond trying to specify who is directly affected by environmental racism, to outlining the process by which this form of racism occurs. It is obvious, when we begin to look at our environment geographically, that the government has encouraged foreign development in certain areas as opposed to others. Moreover, it becomes obvious that the areas where many waste sites are located are predominantly Black communities. The effects of these waste sites on the nearby communities are cause for concern especially concern about issues around health and safety. However, holding corporations responsible is difficult, especially at the local level since many of them have received permission from the local government. Although communities can attempt to hold them responsible internationally, many international laws can only be used as interpretative tools.

Key Recommendations

- Undertake official studies on the problem of environmental racism, especially in those areas such as Nova Scotia and Southern Ontario with historically Black communities; and

- Submit case studies to the relevant UN international committees and agencies, detailing the incidents and patterns of environmental racism in Canada and documenting the causal link between toxins and community illnesses.

Economic Globalization and New Challenges to Labour

Canada's tradition of anti-Black racism in labour and employment began with slavery in Canada and continues today. Consequently African Canadians are underemployed and experience racism within the general workplace professions and across industries. Examples of discriminatory practices experienced by African Canadians include marginalization, targeting, and segregation. African Canadians have lower rates of employment[15] and experience racial discrimination in the work place. Members of racial-minority groups are paid lower salaries than other Canadians despite having higher levels of education.[16] Further, programs such as the domestic workers program, and seasonal and farm workers programs have excluded African Canadian workers from the minimum protection of employment standards. Often immigration law and policy has been used to enforce these racist labour and employment practices.

Various legal mechanisms exist to address the issue of racism in labour and employment. These include labour unions and collective bargaining regimes, employment standards legislation, and provincial and federal human rights commissions. The latter have come under severe criticism due

[15] Orienstein

[16] F. Henry p. 105

to the long delays endured by complainants, the non-availability of resources and the lack of effective remedies. Furthermore, government policies on issues such as employment equity have varied greatly based on the popular politics of the day.

Labour unions themselves have been challenged for not adequately addressing racism within the workplace and within union leadership itself. There is a lack of African Canadian representation at all levels of union decision-making, and the structure and functions of unions are becoming more corporate and exclusive. Seniority and nepotism are two firmly entrenched barriers to African Canadian employment. Segregation and discrimination in employment has resulted in the "last hired, first fired" phenomenon for African Canadians, and employment equity policies are sometimes seen to be in direct conflict with the seniority principle of unions. Further, nepotism exists at a grand scale but is left virtually untouched, even by unions.

It is important to understand the effects of globalization on African workers in the South and to recognize the positive impact that labour unions can have on labour relations in southern countries. Ultimately, the there is great room for the application of international labour standards and human rights standards to the Canadian labour and employment context, and to protect the most vulnerable workers throughout the world.

Key Recommendations

Domestic

- Amend labour and employment legislation to provide stronger anti-racism protections for both unionized and non-unionized workers, and expand all protections to migrant, seasonal and domestic workers;

- Hold unions liable for breach of fair representation and require damages for the said breach;

- Formalize worker support structures; and

- Make financial assistance broadly available for legal redress.

International

- Create an international workers forum of African Peoples to help link with brothers and sisters worldwide;

- Pay reparations to Africans for slavery, colonialism and all forms of Apartheid.

Economic Globalization and African Canadian Families and Children

Canada projects an image that it is a non-racist place to live, but any honest evaluation of the unemployment rate for example, will reveal that Canada is not the safe haven that it purports to be for families of Colour. The poverty rate for "visible minorities" in 1996 was almost 45% compared to 21% for the entire Canadian population. Four in ten children of African descent live below the

poverty line and 48% of African Canadian youth are unemployed.[17] The erosion of social, economic and cultural rights has lead to erosion of the family. The increasing economic pressures on families have eroded education and employment opportunities and led to increased isolation of families of Colour. In turn, individual lack of access to economic support and opportunities impedes the development of a firm community economic base.

The impact of slavery and colonization on Black families continues to lead to problems of identity, and a lack of self-knowledge and acceptance means that one is less likely to feel entitled to certain rights. Also disenfranchisement with respect to resources can undermine African Canadian identity and contributes to a loss of self. Racism as a factor in the emotional health of the family is a key feature of many African Canadian social services agencies. It is imperative that African Canadian children are given the nurturing, self-identity and deep-rooted values necessary to prevent dispossession.

Unfortunately increased powers are given to the state to erode the family unit. African Canadian families experience disproportionate rates of involuntary interaction with the child welfare system, and are denied services that are sensitive to the needs and concerns of their families. For example, Children's Aid societies have broad legal power to apprehend African Canadian children, which is happening under the pretence of excessive physical discipline. Children are then placed with White families in order to protect their "best interests". The stark implication is that White families are better at parenting Black children, and the impact on the Black family is extremely destructive. Many African Canadians do not understand how to access the child welfare system and feel even more disempowered.

African Canadian youth continue to be criminalized through the differential application of "safe schools" policies and increasingly more young offenders are being tried as adults. Further, racist immigration policies have led to the forced separation of family members and other family stressors. Even technology such as the Internet, which is generally thought to provide hope for the future, interferes with more traditional methods of learning and interaction that inhere culture.

It is fair to conclude that African Canadian families are under siege from many points and that urgent action is needed to promote and maintain the integrity of family systems. Societal understanding of families and the rights of children must encompass the unique needs and concerns of African Canadian children where competing state interests are at stake.

Key Recommendations

Domestic

- Increase African Canadian representation at all levels of government to address the concerns of African Canadian families;
- Divest funds from anti-Black institutions such as the IMF and encourage the Canadian Government to do the same;
- Provide reparations for the acts of genocide and the cultural dehumanization inherent in slavery and colonialism;
- Promote mutual support between African Canadian families and community organizations;

[17] Release prepared by "African Canadian Dialogue" based on the latest Canadian Census figures.

- Enforce policies set out in the human rights treaties that the Canadian Government has signed. Government directives seem to nullify international conventions. We need to take a critical look at policies and legislation that are being toted as race-neutral;
- Undertake an internal examination of key concerns within and between African Canadian communities;
- Encourage youth entrepreneurial initiatives and government support of these initiatives;
- Enforce sanctions against private and public companies that fail to comply with human rights laws and policies, such as employment equity;
- Amend family law legislation to require accommodating the needs and concerns of African Canadian families and children; and
- Government should assume a leadership role in acknowledging racism.

International

- Increase foreign aid to countries in need.

Combating Hate and Promoting Tolerance in the Digital Age

Hate Crime has been defined as a criminal offence committed against a person or property, that is motivated in any part by the suspect/offender's hate/bias against a racial, religious, national, ethnic, sexual orientation, gender or disability group.[18] 60, 000 hate crimes were committed in Canada between 1993-1994, while only 1,000 were reported to police.[19] The highest number of assaults are committed against African Canadians according to annual statistics prepared by the Hate Crime Unit of the Toronto Police Service.

The Internet has expanded more rapidly than any other media form in history. This expansion is likely to continue, as is the overlap with more traditional forms of broadcasting and telecommunications. In fact, the Internet has become the latest form for the dissemination of hate and these sites can be accessed world-wide. On the other hand, African peoples throughout the world generally have more limited access to the benefits afforded by Internet access. While Canada has some jurisdiction to regulate and prosecute hate activity through human rights legislation and the Criminal Code, actual enforcement is a major problem. Recently the Federal Canadian Television and Radio Telecommunications Commission (CRTC) decided not to regulate the Internet after a long process of study and interventions dominated by the private sector. Yet hate activity is on the rise and the Internet continues to facilitate hate. Ultimately, state should be as concerned about hate activity as a violation of human rights and a crime and should enforce anti-hate laws.

[18] Community Advisory Committee on Anti-Hate and Anti-Racism, *Hate Activity: Communities Can Respond* (Toronto: Access and Equity Centre, 1996)

[19] Study prepared by Dr. Julian Roberts, Criminologist, University of Ottawa.

Key Recommendations

Domestic

- Regulate the Internet with respect to hate language, discourse and images. The regulatory standards must be legally binding and enforced; and
- Enforce existing laws prohibiting hate activity.

International

- Establish a UN monitoring system to keep track of racist web sites.

Gendered Racism: Challenges Faced by African Canadian Women

Racism is a determinant of health, mental, physical, psychological and spiritual well-being is a major challenge faced by African Canadian women. It is important that the intersection of multiple identities of race, gender, class, sexual orientation and disability be integrated into an anti-racist analysis. This analysis must be conducted across key areas of health, education, poverty, violence against women, and immigration and refugee issues. For example, there is a need to redefine violence from both a race and gender perspective understanding that racism is a basis for violence against women. At the international level, gender persecution guidelines should be examined to determine their impact on Black Women. The roundtable participants adopted the Declaration to the 44th CSW Session by the Black Women and Women of Colour Caucus, March 2000. (See Appendix V for the full text of Declaration.)

Key Recommendations

- That all governments recognize and acknowledge racism as a fundamental barrier to the achievement of full equality, in particular for Black Women, Women of Colour and Indigenous Women;
- That all governments fully implement all the rights contained in the Convention on the Elimination of Racial Discrimination (CERD) and establish an Optional Protocol to ensure compliance;
- That all governments actively ensure the participation of Black Women, Women of Colour and Indigenous Women in all positions of power and decision-making; and
- That all governments collect and publish disaggregated data by gender, race ethnicity, socioeconomic status, age, sexual orientation, disability, marital status, language, citizenship and rural and urban status.

ADDITIONAL CORE RECOMMENDATIONS

Throughout the Conference and in particular during the Saturday Morning Strategy Session on March 25, 2000, NGO representatives developed core recommendations that will facilitate the specific recommendations in each issue area and promote the elimination of anti-Black racism in Canada and globally. These recommendations have been divided into the international and domestic categories as a way of indicating the initiating point for the recommendation. In reality however, the domestic and international initiatives are interconnected and mutually reinforcing.

International

1. **That racism be recognized as a violation of human rights and that an improved coordinated effort be undertaken by government, private sector and non-government (voluntary) sector to provide effective remedies for racism and support for victims of racism.**
2. **That increased support be provided to the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, in particular, that funding be provided to conduct an investigation into current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in the Americas.**
3. **That a fund be established to assist victims of racism, as suggested by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance.**
4. **That an international university or foundation be established and funded to study the aftermath of slavery and colonialism, contemporary manifestations of slavery and remedies.**
5. **That all governments collect and publish disaggregated statistics in order to document the conditions of each racialized group within member states.**
6. **That the Office of the High Commissioner for Human Rights organize an expert seminar on contemporary forms of racism arising from slavery and colonialism.**
7. **That the Trans-Atlantic Trade in Enslaved African People be declared a Crime Against Humanity and a War Crime.**
8. **That the Migrant Workers Convention be ratified by all States.**
9. **That member states increase financial, institutional and structural support for the International Convention on the Elimination of All Forms of Racial Discrimination (Race Convention).**
10. **That member states promote and undertake universal ratification and full implementation of Race Convention.**
11. **That member states remove all reservations to the Race Convention.**
12. **That the Preparatory Committee to adopt as a key agenda item, the current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in the Americas.**

13. That the World Conference examine the existence and effectiveness of domestic and international remedies for anti-Black racism. Expert seminar on contemporary forms of racism arising from slavery and colonialism.

14. That the Preparatory Committee facilitate NGO involvement in all aspects of the World Conference process, particularly the participation of survivors of racism.

Canada

15. That the Canadian Government work with ACCAR to develop a plan to implement the recommendations arising from the Preparatory Conference.

16. That the Canadian Government take the lead in implementing the above-listed international recommendations.

17. That the Canadian Government publicly acknowledge the existence of slavery in Canada and current forms of racism as already documented via numerous government reports.

18. That the Canadian Government apologize to African Canadians for slavery and declare that the Trans-Atlantic Trade in Enslaved African People was a crime against humanity.

19. That the Canadian Government pass legislation to implement CERD and make a declaration under Article 14 of CERD.

20. That the Canadian Government adhere to its report obligations under CERD by providing timely, comprehensive reports to the CERD committee, and taking whatever steps are necessary to ensure well-timed, thorough contributions by the provinces.

21. That the Canadian and Provincial Governments maintain disaggregated data and statistics in all government departments, as required under CERD and with a view to identifying the experiences and position of racialized groups in general, and African Canadians in particular.

22. That the Canadian and Provincial Governments implement ***effective*** remedies to racial discrimination as required under CERD. The implementation of effective remedies requires:

- A cost-effective process through which survivors of racial discrimination have direct and immediate access to adjudicators;
- Federal/Provincial legislation allowing for a civil claim of racial discrimination and legal aid support for claims; and
- Federal oversight of federal and provincial anti-racist human rights legislation with provincial accountability linked to transfer payments.

World Conference

1. That Canada contribute X% of the GNP to the voluntary fund in support of the UN World Conference Against Racism, and encourage similar financial support from other member states to meet the needs for effective servicing of the World Conference.

2. That the Canadian Government facilitate NGO participation in preparation for the World Conference Against Racism, including providing financial support for the African Canadian community to participate in domestic and international preparations.

3. That the Canadian Government facilitate NGO participation, including African Canadian NGOs in the development of Canada's position prior to the World Conference.

4. That the Canadian Government ensure that there are NGO representatives on the Canadian delegation to the World Conference.

5. That the Canadian Government provide leadership in ensuring that the impact of slavery and colonialism and anti-Black racism is a key item on the agenda of the World Conference.

CONCLUSION

The African Canadian Preparatory Conference for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance was a tremendous success, which is already being built upon by the African Canadian Coalition Against Racism (ACCAR). The African Canadian Legal Clinic would like to thank everyone who participated in, and supported the Preparatory Conference and invite other interested individuals to join ACCAR in the struggle to eliminate racism in Canada.

APPENDICES

I. Letter from the Hon. Lloyd Axworthy, Minister of Foreign Affairs.

II. Letter from the office of the Commissioner for Human Rights

III. Newspaper articles: "National Conference on Racism in the Works" and "Preparing for UN Conference on Racism."

IV. National Action Committee on the Status of Women (NAC): Presentation: ACLC Conference March 24, 2000, "Eliminating Racism Linking Local and Global Strategies for Change."

V. Declaration to the 44th CSW Session by the Black Women of Colour Caucus, March 24, 2000.

VI. Resolution to Increase NGO Participation in the Upcoming United World Conference Against Racism.

VII. United Nations Declaration and International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

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APPENDIX I

Minister of Foreign Affairs Ministre des Affaires étrangères

Ottawa, Canada K1A 0G2

MAR 23 2000

RECEIVED
MAR 27 2000

African Canadian Legal Clinic
Conference on Eliminating Racism
306-330 Bay Street
Toronto, Ontario
M5H 2S8

Dear Participants,

May I take this opportunity to convey my best wishes to those of you participating in the African Canadian Legal Clinic's conference on *Eliminating Racism: Linking local and global strategies for change*. The outcomes of this conference will be of particular interest as we prepare for next year's UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to take place in South Africa. Canada's cosponsorship of the United Nations resolution calling for the conference is an indication of the importance we attach to the elimination of racism.

The Department of Foreign Affairs and International Trade will be cooperating closely with the Department of Canadian Heritage which will lead Canadian domestic preparations for the World Conference. Canada will play a very active role, and our participation will be built on extensive domestic consultations with a wide range of individuals and organizations such as your own, recognising the importance of participation by as many civil society stakeholders as possible.

Canada's unique approach to combatting racism and fostering the values of respect, equality and diversity is expressed in legislation such as the Charter of Rights and Freedoms, the Human Rights Act and the Canadian Multiculturalism Act which recognizes diversity as a fundamental characteristic of Canadian society. I look forward to hearing the recommendations of this week's conference, and of working with you and other NGOs in preparation for the U.N. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Sincerely,

Lloyd Axworthy

APPENDIX II

UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
NEW YORK OFFICE

POSTAL ADDRESS ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS-ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

NATIONS UNIES
HAUT COMMISSAIRE AUX DROITS DE L'HOMME
BUREAU DE NEW YORK

TELEPHONE: (212) 963 5402; (212) 963 9551
FACSIMILE: (212) 963 4097

22 March 2000

Dear Ms. Parsons,

I would like to take this opportunity to thank you for organising the first Canadian Preparatory Conference for the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Our Office is pleased to be represented by Ms. Jacqueline Nzoyihera.

The Office of the High Commissioner for Human Rights welcomes and recommends non-governmental organisation's participation at all levels of the preparatory process leading to the World Conference Against Racism. Therefore on behalf of the High Commissioner for Human Rights, we commend your initiative and wish every success to your Conference.

We also hope that your conference will stimulate a continued interest and support for the Third Decade to Combat Racism and Racial Discrimination and its Programme of Action.

Yours sincerely

Bacre Waly Ndiaye
Director of the New York Office
of the High Commissioner for
Human Rights.

Many People, One Paper — The Caribbean Camera

National conference on racism in the works

THE AFRICAN Canadian Legal Clinic (ACLC) will be holding a national conference in preparation for the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa, 2001.

The purpose of the World Conference is to create a new vision for the global fight against racism.

Here in Canada, the national conference will be held at the Toronto Colony Hotel, 89 Chestnut St, from Friday, March 24 to Saturday, March 25.

"Keeping with this objective, the ACLC will focus on generating practical recommendations for the United Nations World Conference agenda designed to help eliminate racism at the local, national and regional levels," Michelle Williams, ACLC's Policy and Research lawyer told Eyes.

The keynote address will be delivered by Joan Grant-Cummings, President of the National Action Committee on the Status of Women (NAC) on the theme: "The Impact of Economic Globalization on People of African Descent."

Dr. Hedy Fry, Secretary of State for Multiculturism and the Status of Women, will be on hand to mark the International Day for the Elimination of Racial Discrimination.

For details call (416) 214-4747.

JOAN GRANT-CUMMINGS – NAC leader is guest speaker at the Racism conference

change in her homeland of Jamaica.

A professor of English at George Brown College for an impressive 32 years, Collins is currently the Chair of Corporate Fundraising for the Jamaica Canadian Association (JCA).

For tickets to this Black Business and Professional Association (BBPA), in conjunction with IBM Ltd., Harry Jerome Awards, please call (416) 504-4097

LOCAL GROUP MEETS THIS WEEKEND

Preparing for UN conference on racism

In order to lay the groundwork for the United Nations (UN) Conference on racism in 2001, the African Canadian Legal Clinic (ACLC) will be hosting the first African Canadian National Preparatory Conference this weekend.

The two-day national conference on Friday, March 24 and Saturday, March 25, will identify issues and develop strategies in order to make practical recommendations to help eliminate racism. Recommendations will be presented at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance to be held in South Africa in 2001. This event is the first of its kind in Canada and is part of a network of national conferences being held worldwide in preparation for the 2001 UN Conference.

The ACLC is well placed to be the agent for this Conference given their mandate to identify issues of racial discrimination in our society and to pursue reparations of such issues through the justice system. As such the ACLC identified a number of topics that will be explored at the Conference. Topics include: Economic Globalization and Racial Equity; The UN Human Rights System, the CERD Committee and the Inter-American System; Internationalizing the Human Rights of Women of Colour; Countering State Use of Force against African Canadians; Race and Education; Immigration and Refugee Issues and the Latest Developments on the UN World Conference Against Racism.

The ACLC is encouraging people to attend the Conference, viewing it as an important opportunity to establish new approaches to combat racism for the next millennium. The agenda is to be action-oriented and focus on practical measures to eradicate racism, including methods of prevention, education and protection and the provision of effective remedies to discrimination. There will be a number of panel discussions and workshops throughout the conference.

Panelists at the conference include: MP Hedy Fry – Secretary of State for Multiculturalism and the Status of Women; Joan Grant-Cummings – National Action Committee on the Status of Women; Prof. Sunera Thobani; lawyer Mary Eberts; Halifax lawyer Burnley "Rocky" Jones; Winnipeg advocate for people with disabilities Justine Kiwanuka; Boston's Northeastern University School of Law Professor Hope Lewis; legal analyst Estella Muyinda, Prof. Sherene Razcak – OISE; Bruce Porter – Charter Committee on Poverty Issues; and Dr. Esmeralda Thornhill – James Robinson Johnston Chair in Black Canadian Studies, Dalhousie Law School.

The UN office of the High Commissioner of Human Rights has set up a web page for the World Conference that contains the General Assembly resolution and much more information on the background of the 2001 Conference. The date for the Conference in South Africa has not yet been set but it is expected to be held in June or July of 2001. The Website address is www.unhchr.ch/html/racism/racism.htm.

This weekend's national conference in Toronto takes place at the Colony Hotel, 89 Chestnut Street. The Conference begins with registration at 8 a.m. on Friday, March 24. The cost to attend both days is $100 per person and $60 for students. The cost to attend for one day is $80 per person and $40 for students. This includes lunch and refreshments for the day, and conference materials.

For additional information, contact the ACLC at (416) 214-4747, 1-888-377-0033 or fax (416) 214-4748.

NATIONAL ACTION COMMITTEE ON THE STATUS OF WOMEN / COMITÉ CANADIEN D'ACTION SUR LE STATUT DE LA FEMME

PRESENTATION : ACLC CONFERENCE, MARCH 24, 2000
ELIMINATING RACISM : LINKING LOCAL AND GLOBAL STRATEGIES FOR CHANGE

Today's conference forms part of a global process by many NGO's including women's groups, migrant workers' organizations, immigrant and refugee rights groups, African community based organizations, amongst others, to consciously initiate a planning, mobilization and implementation of a local, national and international strategy to participate actively, in the UN Conference Against Racism, Xenophobia and Related Intolerance.

My contribution today, will focus on how our global economic system is relevant to these proceedings, and how specifically Africans, Blacks are impacted by economic globalization. I will also speak about the impact on aboriginal peoples or indigenous peoples and women in particular, because economic globalization cannot be discussed without including an analysis about the impact on indigenous peoples and the gender-race dynamic cannot be neglected, if we are to truly deal with the differential impacts.

* Canada has missed 2 Reporting cycles to CERD.

However, my first challenge to all of us, is to read, understand and share the contents of 2 key international conventions and declarations. The first is obvious, it is the Declaration and International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the second is the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Both have been signed by our government and both are enforceable. They are not just 'feel good' statements. They contain the international blue prints as to how governments and peoples must govern ourselves with respect to human rights as they apply to race and gender equality, within the context of the 5 indivisible, inalienable human rights pillars - political, social, economic, civil, and cultural rights.

I have included the women's equality convention as half of our community or more is made up of women. And we cannot continue to by our actions and our analysis, speak about race as if we came in one gender. It is pleasing to note that the UN has already noticed this nuance in its discussions, although Kofi Annan has appointed so far all men as the goodwill ambassadors for the UN Conference, with the last to be chosen from the field of Sports, still to be decided, let us hope that Kofi remembers that there are female sports stars concerned about racism.

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NATIONAL ACTION COMMITTEE ON THE STATUS OF WOMEN / COMITÉ CANADIEN D'ACTION SUR LE STATUT DE LA FEMME

I want to share with you, based on our research in NAC and the global women's movement, from the labour movement in Canada and globally, the students' movements, Migrant workers' Rights movements, amongst others what we view to be economic globalization, or global capitalism.

Many of us probably grew up thinking that capitalism is the way and the only economic system of merit, yet others were aware that mixed economic systems, and socialist economies, offered other and perhaps better ways to promote sustainable development, and social justice for all. What is clear however, is that through the formation of the International Monetary Fund (the IMF), the World Bank, popularly called the Bank and later the World Trade Organization (the WTO), global capitalism is literally and figuratively sweeping the world. As to who and what is being swept away, swept up, swept out is the theme of our story.

In Canada, we(our governments) decided to embrace fully, the new, bigger, and "badder" face of the so-called free market system, when we embarked on the Free Trade Agreement with the US, later the North American Free Trade Agreement with Mexico, and we are now in the process of negotiating the Free Trade Area of the Americas (FTAA) by the year 2005.

Against this backdrop, Africa, the Caribbean, Latin America and Asia, were being used to fuel this economic agenda. In an era, where African, Latin American, Caribbean and Asian governments were kicking out colonialist governments, corporate Canada, America and West Europe, had no intention of relinquishing the wealth of the South to its peoples. A plan to sell "development" to the South was devised by the North, through the instruments of the IMF, the WB, GATT-WTO that hinge on the South providing cheap labour, cheap raw materials, and later cheap products from the cheap labour in giant factories, to feed, clothe, amuse, and fatten the pockets of the North.

Through a scheme, that saw the IMF "loan" money to South countries, especially Africa, Latin America and the Caribbean at exorbitant interest rates, and bizarre conditionalities, many countries took the bait, thinking and believing the marketers that this would bring economic prosperity to their people, social justice and well-being for all. This is what is called the Structural Adjustment programs or SAPs. In effect what it did was to force countries in the South to give up subsistence farming, in favour of agribusinesses to feed the North, to give up building housing, schools, etc in favour of building malls and office towers (and I am not kidding this was a World Bank pre-condition), and to exert fiscal discipline by cutting funding to social programs, health, education and hospitals. These conditionalities re IMF and WB funding use, also called for consultants from the North in many cases to come from the "donor" country.

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Now, picture the scene in the Caribbean, a downtown Kingston flea market, a resort area in Mexico, downtown Brooklyn, Accra, Ghana - picture what is being soled in most of the markets - do they look like food, clothing, goods, indigenous for the most part to these countries?

Now let us fast forward to the North. While the SAPs were hitting countries in the South, some changes were being undertaken in the North. During the 80's and even much more aggressively in the 90's, the North experienced a definite shift to the right in terms of political ideology, a movement away from social justice or the notion of collective responsibility and community, greed became acceptable in terms of capital and material goods, the number of millionaires and billionaires in the world exploded in numbers. At the same time, there was increasing poverty, homelessness, cuts to social programs, major cuts in overseas development assistance, especially to Africa, an increasingly restrictive immigration and refugee policy, (Europe, US and Canada), increased xenophobia (discrimination against new immigrants and increased lack of so-called 'tolerance' for anyone who did not fit into the mold of the white image), cuts to affirmative, equity-seeking programs, increased impunity for the police in dealing with some communities (Black, aboriginal in particular), attempts to silence the women's movement, massive downsizing leading not only to job loss, but union-busting, and a fundamental shift in the nature of work itself.

During this time, G-7 countries like Canada, saw the South as a heaven of cheap labour and resources. South governments felt under the gun to agree to anything to attract 'foreign capital', so that they could achieve, the designation of newly developed or almost developed versus 'developing country status - the new colonization! Witness the explosion of the Asian tigers, now mewling pussycats.

This new economic world order, was North, white, male conceived. Currently 80% of the world's wealth is owned by 20% of the world's people and corporations, practically all by Western European, white American and white Canadian. So how is it that the richest country on the planet Africa, came to be classified the poorest and by whose standards?

It is the analysis of women's groups both within the north and in the South, and certainly NAC has made it clear the last 10 years, that racism and white supremacy are implicit in economic globalization. It is no coincidence that the 80% of the world's poorest people are indigenous people, Blacks and people of colour. It is no accident that the countries with the most money hold debt notes on the countries with the least amount of money, mainly found in Africa, Asia and the Caribbean.

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The way in which any monetary system is set up is imbued with the values of the architects and designers of that system , and that for us is the fundamental factor in determining the racist bias in the global economic system. Currently, many multi-national corporations, reap profits higher than the gross domestic product of many of the world's countries, South countries.

We are increasingly told that we are in the boom times, but how can this be when the world's poverty rate has steadily climbed throughout the 90's, especially in the South; when there are more homeless people globally; , increased malnutrition in the South and obesity in the North; access to education is lessening all around; access to social services and health care is become increasingly difficult and is being privatized in many countries, making it inaccessible for the poorest; and work has become increasingly precarious and atypical - short term, seasonal, part-time, home-based, with decreased or no benefits, etc.

If you have the time I would suggest that you become familiar with at least one of the Trade agreements that Canada has signed. If you read these agreements, you will no longer be mystified as to why either the federal or the provincial government is acting the way it is. Our trade agreements essentially call our health care system, social programs, public education system, benefits programs, pay and employment equity policies, etc. unfair trading practices". In other words, the value principle of protecting and guaranteeing people's human rights, is being treated by corporate giants as conferring an unfair trade advantage!

Now when you apply these principles to a country, a world that is already constructed along race, gender, class, age and other biased lines, you have a deadly cocktail, it means that Blacks, indigenous peoples, people of colour, women, people with disabilities, gays and lesbians, young and older people, have a much reduced chance of 'making it' under these unfair rules.

Now the World Bank was put in place to eliminate poverty. Yet every continental African woman and Caribbean woman with whom I have spoken about this, burst out into peals of laughter at this definition! The Bank has actually increased the poverty in their lives!

The same for the IMF - now every country that bought into the "fundamentals' of the IMF have huge debts, especially Africa!

The WTO has effectively made ineffective or powerless many governments in the South in terms of protecting their natural resources from North-biased trading practices, bio-prospecting and bio-piracy! Currently there are 147 cases of bio-piracy known, and as many more suspected! Countries in the South need to spend on average $3 million

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dollars to challenge bio-piracy by North countries through the "Courts" or the WTO!

From holding a patent on the Basmati rice of South Asia, to the Mexican yellow bean to many indigenous African medicinal plants. North corporate barons are raiding South communities of their very identities.

Furthermore, sex tourism(trafficking in girls and women) is a booming industry for North men. Cash strapped governments in the South, turn a blind eye and scoop up the foreign exchange to pay their IMF and WB loans!

These are the girls, boys and women from the same families, and communities, displaced by factories being built on their lands for Nike, Wal-mart, Reebok, etc. No compensation, just instant abject poverty. Africa's ores, minerals and oils are used and mined by North corporations such as Talisman Inc. in Canada, that trades on the civil war. African lives are immaterial here as long as the profits come in.

While women in Ghana, plant cocoa and get 2 cents per pound for it from Europeans and North Americans, we purchase Laura Secord and Belgian chocolates at sometimes up to $20 per pound! Who is benefitting here? It certainly is not the cocoa farmer whose largely unpaid work is worth more than 2 cents a pound!

Here is a snapshot of what we are currently faced with globally : structural adjustments programs in the South; economic restructuring in the North; environmental racism; "Third World Debt"; militarization and continued colonization in the South; the use of the South for nuclear testing or indigenous lands/poor people's lands in the North, mostly Blacks; health crisis in the South that have been controlled in the North; the feminization of migration and the feminization of poverty of women in the South, and South women in the North; the destruction of traditional markets; trafficking of mainly South women for sexploitation and cheap labour; bonded labour ; slave labour for domestic workers; experimentation on indigenous peoples and people from the South without their consent; bio-prospecting of anything from peoples' genes to their traditional foods and medicines perpetuated on people in the South from the North, and indigenous peoples in the North and in the South; biopiracy - the patenting of South peoples' genes, medicinal and food sources by North corporations; the invisibility of the leadership of Blacks and indigenous peoples especially the women; the over-criminalization and disproportionate incarceration of Blacks, indigenous peoples in the North, including young girls - the fastest growing number; racial, ethnic and cultural genocide.

In every country in the Americas - South, Central or North, there are African peoples. Their status in all cases is at the bottom of the heap and is only rivaled by that of indigenous peoples in some of the countries. Europe has over 5 million Blacks and people of colour. They are largely on the margins of European society, are subject to

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overt racism and white supremacy. The story is the same for the millions of African Canadians and Americans in the North.

It is clear for many peoples' movements, both in the North and in the South, that globalization is a continuation of colonization, and with its contemporary forms of slavery, a continuation of that unholy regime. This system, put in place by the TRIAD that is the IMF, WB and the WTO under-develops and undermines countries of the South, in particular Africa.

In our community we must increasingly make the links between the aims and process of economic globalization and our daily lives. Supporting Tax cuts, cuts to social programs, healthcare and education programs are part and parcel of this regime. This is a movement away from state responsibility for the members of the state, and a reviving of the notion that social justice is 'charity' not a right. The restriction of peoples' movements by racist, discriminatory immigration laws are part of this regime - it seeks to facilitate the migration of capital across borders at warp speed, but restrict people's movements. Yet, the majority of people who are forced to uproot themselves are doing so in response to the tensions in their homelands and communities, due to economic globalization. We increasingly have become mean-spirited as we fight for our piece of this pie. We have swallowed the rhetoric of "every man for himself" and greed is acceptable. Our meanspirited-ness is reflected in our participation in poor-bashing, bashing of new immigrants or other people of colour, it is reflected in how we distance ourselves from issues that affect all of us in our community, but we pretend that it is the others, not us, it is reflected in our willingness to be co-opted in schemes that undermine our communities, it is reflected in our bashing of gays and lesbians, and our disregard for people with disabilities.

How ability to parent effectively has been impacted by our precarious work situations, our response to racism and other forms of discrimination, our tension about being economically 'successful' according to the model being touted; the defunding or under-funding of our school, health and social services, and lack of access to daycare, affordable/social housing, food security, etc.

Our fertility is being challenged by economic globalization as the fertility of both men and women have plummeted with the increasing environmental degradation - now we can add genetically modified foods to the picture.

Parts of Africa and the Middle East are especially vulnerable to access to water. With the latest move by corporate barons to privatize the world's water supply, Africa will once again have to deal with further mechanisms to under-develop it.

We have been fed a steady diet of junk news, junk mail, junk food and many times we

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do not question or stop to think of the implications of our actions - we believe it is too hard! We are being told that we live in a global village - One world, One language, One culture! But whose language, culture, and definition of the world are we being sold?

Bio-diversity is being lost in the shuffle, and Africa the oldest civilization, maybe the most diverse continent on the planet is being plucked like a boiled chicken - there is no hue and cry, no international outrage, why?

As long as racism exists, none of us is doing as well as we could be. And for Black women it is also sexism! As long as our Continental homeland continues to bear the harshest impact of economic globalization, Africans everywhere will also continue to feel the anti-Black racism and particular level of white supremacy that we currently deal with.

We must challenge ourselves to step out of our boxes, and stop being complicit in the violation of the human rights of our people globally, by omission and in some cases commission. We have to think about these things. We have to internalize all the tools and information we will be exposed to and apply them in our daily lives. On the road to South Africa, this weekend, let us reaffirm our status as members of a collective struggle to protect the human rights of not only ourselves, friends and family but our neighbors at home and abroad.

Racism is about human rights, sexism is about human rights, homophobia is about human rights, agism is about human rights, ablism is about human rights - dealing with them is a non-negotiable issue. Choose to act!

Presented by Joan GrantCummings
President, NAC
March 24, 2000.

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Declaration to the 44th CSW Session
by the Black Women and Women of Colour Caucus
March 2000

As Black women and women of colour from the South and North at the 44th Session of the Commission on the Status of Women and the Preparatory Committee for the Special Session of the General Assembly, we would like to reaffirm our united support for the Beijing Platform for Action. However, we would also like to express our deep concerns around the lack of commitment to and insufficient implementation of the Platform for Action.

We urge governments to recognize the distinctive voices of Black women and women of colour nationally and internationally, and the inequality we face because of the intersection of race and gender, amongst our other identities. Black women, women of colour and indigenous women in the South and North are doubly oppressed and face barriers to equality, more often because of their race, ethnicity, or indigenous status then their gender.

The principles of equality between women and men, equality on the basis of race, ethnicity and non-discrimination, are fundamental principles in international human rights laws and bind all governments, whether or not they are signatories to treaties such as the Convention on the Elimination of Discrimination Against Women, (CEDAW), the Convention on the Elimination of Racial Discrimination (CERD) and the Universal Declaration of Human Rights (UNDHR). Racism is therefore a fundamental violation of our human rights and of these treaties.

Racism is pervasive and embedded in all structures of society. Racism is a determinant of violence and a cause of violence against women. Racism is a determinant of the physical, emotional, mental and spiritual health of women of colour, Black women and indigenous women. Racism, white supremacy, and colonization have been used historically to oppress people of colour, Black people, and indigenous peoples and to under develop our communities and regions. These forms of oppression continue to manifest today. Racism, white supremacy and colonization are implicit in economic globalization. Economic globalization, under the control of the IMF, World Bank, WTO, governments and multinational corporations, has taken over political and social systems.

Particularly for women of colour, this has resulted in:

- structural adjustment policies in the South and North
- economic restructuring in the North
- environmental racism
- Third World debt
- continued colonization and militarization of the South
- the use of the South by the North for nuclear testing
- a global health crisis
- increased migration of women and discrimination against immigrants
- the invisibility of women's unwaged work
- bonded labour
- slave labour of domestic workers
- national and international trafficking
- medical experimentation without informed consent including bioprospecting
- armed sales, armed conflict and occupation
- the invisibility of Black women, women of colour and indigenous women in positions of power and decision-making
- the increased feminization of poverty
- the over criminalization and disproportionate incarceration of young people of colour (the fastest growing rate of which are young women and girls)
- and racial, ethnic and cultural genocide and violence, among other issues.

Women of the South, as well as women of the "South within the North," bear the brunt in these issues.

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Racism has not been fully and substantively integrated within the Beijing +5 follow-up process and in the proposed Outcomes document, nor have there been sufficient connections between UN work on racism and gender discrimination. Therefore, we strongly urge that in the deliberations on the Outcomes document, governments recognize racism as a major barrier to the achievement of full equality for Black women, women of colour and indigenous women. We also urge governments to fully resource actions that will appropriately address these barriers to full equality for all women.

We demand:

- That all governments recognize and acknowledge racism as a fundamental barrier to the achievement of full equality, in particular for Black women, women of colour and indigenous women. To ensure the implementation of the Beijing Platform for Action, governments must commit to the World Conference Against Racism and Xenophobia by fully resourcing the planning and organizing and ensuring the full participation of women most affected by racism.
- That all governments fully implement all the rights contained in the Convention on the Elimination of Racial Discrimination (CERD) and establish an Optional Protocol to ensure compliance.
- That all governments actively ensure the participation of Black women, women of colour and indigenous women in positions of power and decision-making.
- That all governments ratify the Convention on the Elimination of Discrimination Against Women (CEDAW) and sign on to the Optional Protocol.
- That all governments adopt the UN Draft Declaration on the Rights of Indigenous Peoples and enforce national legislation that recognizes the collective rights of indigenous peoples.
- That all governments ratify the Convention on the Rights of the Child (CRC).
- That all governments ratify and fully implement the International Convention for the Protection of Migrant Workers and their Families.
- That all governments collect and publish data disaggregated by gender, race, ethnicity, socioeconomic status, age, sexual orientation, disability, marital status, language, and citizenship and rural and urban status.

Black women and women of colour from the South and North call for immediate actions to be taken to achieve substantive equality for all women.

RESOLUTION TO INCREASE NGO PARTICIPATION IN THE UPCOMING UNITED NATIONS WORLD CONFERENCE AGAINST RACISM....

GOAL

We call on the Canadian government to help ensure broad participation of non-governmental organizations in the upcoming United Nations World Conference Against Racism. Racial Discrimination. Xenophobia and Related Intolerance.

BACKGROUND

Non-governmental organizations (NGOs) in consultative status with the Economic and Social Council that express the wish to attend the Conference and the meetings of the Commission on Human Rights. acting as its preparatory body, will be accredited for participation.

Other NGOs wishing to be accredited may apply to the Conference Secretariat for this purpose in accordance with the appropriate guidelines and provisions. However, to foster and ensure greater participation by NGOs, the necessary information must be made more broadly available and in a timely fashion. Additionally, the Canadian government should allow NGOs greater access to its preparatory process, including planning meetings, policy discussions and the drafting of documentation.

PROPOSED RESOLUTION TO BE SUBMITTED TO ECOSOC AND THE GENERAL ASSEMBLY BY THE CANADIAN GOVERNMENT

WHEREAS. The United Nations General Assembly and the Economic and Social Council has long since formulated and adopted the goal of eliminating racism and racial discrimination worldwide;

WHEREAS. The spirit of the United Nations effort to eliminate racism and racial discrimination is embodied in its commitment to convene a World Conference against Racism. Racial Discrimination. Xenophobia and Related Intolerance in 2001;

WHEREAS. Over 150 countries. including Canada. and representing more than half the world's countries. have thus far officially adopted the United Nations goals and objectives to convene a World Conference against Racism, Racial Discrimination. Xenophobia and Related Intolerance:

WHEREAS. Within the broadly accepted goals and objectives. one critical concern is increasing the role and participation of non-governmental organizations at every level. including internationally. regionally. nationally and locally;

WHEREAS. The Canadian government has an appropriate and legitimate role in affirming the importance of international human rights, the World Conference against Racism. Racial Discrimination. Xenophobia and Related Intolerance. and NGO participation therein;

THEREFORE. BE IT RESOLVED. that the Canadian government go on record by submitting to the United Nations General Assembly and the Economic and Social Council for adoption the following provisions as criteria and support to increase NGO participation in the World Conference against Racism, Racial Discrimination. Xenophobia and Related Intolerance:

1. NGOs in consultative status with ECOSOC;

2. NGOs accredited to participate in regional meetings and the World Conference against Racism. Racial Discrimination, Xenophobia and Related Intolerance:

3. NGOs which have participated in other United Nations forums as part of a NGO collaborative effort. including but not limited to world conferences, regional meetings. the Commission on Human Rights, the Sub-Commission on Human Rights and other related agencies:

4. NGOs whose bylaws or constitution demonstrate that they are stakeholders in the elimination of racism. and that their organization's bylaws or constitution are consistent with the goals and objectives of the World Conference against Racism. Racial Discrimination. Xenophobia and Related Intolerance; and

5. That the Canadian government shall provide substantial and proportionate funds to the United Nations Voluntary Fund to help ensure the Conference's success.

INCREASE NGO PARTICIPATION IN THE
UPCOMING UNITED NATIONS
WORLD CONFERENCE AGAINST RACISM....

YES: I ENDORSE THE ATTACHED RESOLUTION

ORGANIZATION: _____

INDIVIDUAL: _____

MAILING
ADDRESS: _____

_____

_____

SIGNATURE AND TITLE (If appropriate):

_____

Telephone: _____
Fax: _____
E-mail:

_____

African Canadian Legal Clinic
330 Bay Street, Suite 306
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United Nations Declaration and International Convention on the Elimination of All Forms of Racial Discrimination

oduction

is one area which has characterized the United Nations
out its history. It is its commitment to the dignity and equality
human being, irrespective of race, and its determination to
racism and racial discrimination wherever they may be found.
ganization's commitment to racial equality began with its
g document—the United Nations Charter—adopted in 1945.
human rights provisions were elaborated three years later in
oric Universal Declaration of Human Rights. Many subsequent
s and instruments of the Organization attest to its determina-
promote the dignity and rights of every human being.
e of the landmarks in this field was the Declaration on the
ation of All Forms of Racial Discrimination, adopted on 20
ber 1963. In proclaiming the Declaration, the United Nations
l Assembly solemnly affirmed "the necessity of speedily elimi-
racial discrimination throughout the world, in all its forms and
manifestations, and of securing understanding of and respect for the dignity of the human person . In that Declaration, the Assembly proclaimed the following:

> *"Discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples".*

As a follow-up measure to the Declaration, the General Assembly adopted, on 21 December 1965, the International Convention on the Elimination of All Forms of Racial Discrimination, giving a more precise legal form to many of the ideas in the Declaration. The provisions of the Convention, which entered into force on 4 January 1969, aim at eliminating racial discrimination in all its forms and manifestations, at preventing and combating racist doctrines and practices and at building an international community free from all forms of racial segregation and discrimination.

States parties to the Convention undertake to pursue a policy of eliminating racial discrimination and promoting understanding among races. As of 31 December 1996, 165 States were party to the Convention.

The then-novel feature of the Convention was that it provided for machinery for its implementation. Specifically, the Convention created the Committee on the Elimination of Racial Discrimination (see p. 28), consisting of 18 independent experts, to examine regular reports submitted by States parties on the measures they had taken to eradicate racial discrimination. The Committee suggests to States parties measures for achieving that goal and ways to prevent such discrimination.

The full texts of the Declaration and the Convention are reproduced in this pamphlet. It also contains the list of States parties to the Convention, a description of the work of the Committee on the Elimination of Racial Discrimination, and a brief chronology of related efforts by the United Nations to combat racism.

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries

and Peoples of 14 December 1960 (General Assembly resolution 1514(XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of

everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;

(c) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

(a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

The Commission shall elect its own Chairman and adopt its own rules of procedure.

The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514(XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514(XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation, the effect of which would inhibit the operation of any of the bodies established by this Convention, be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(a) Signatures, ratifications and accessions under articles 17 and 18;

(b) The date of entry into force of this Convention under article 19;

(c) Communications and declarations received under articles 14, 20 and 23;

(d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination

(as at 31 December 1996)

Afghanistan, Albania, Algeria, Antigua and Barbuda, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Holy See, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

States Parties which have made the Declaration under Article 14, Paragraph 1, of the Convention

Algeria, Australia, Bulgaria, Chile, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Hungary, Iceland, Italy, Luxembourg, Netherlands, Norway, Peru, Russian Federation, Senegal, Slovak Republic, Sweden, Ukraine, Uruguay.

United Nations Efforts to Combat Racism—A Brief Chronology

1945 — The Charter of the United Nations, which was adopted at San Francisco on 25 June 1945 and came into force on 24 October 1945 and to whose principles all States Members of the United Nations pledge adherence, reaffirms, in the Preamble, faith in fundamental human rights and in the dignity and worth of human beings. Chapter I states that one of the purposes of the United Nations is to promote and encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.

1948 — The Universal Declaration of Human Rights, adopted by the General Assembly on 10 December 1948 as "a common standard of achievement for all peoples and all nations", states in the preamble that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" and, in article 1, that "all human beings are born free and equal in dignity and rights". Article 2 declares that everyone is entitled to all the rights and freedoms set forth in the Declaration "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

1958 — The Convention concerning Discrimination in Respect of Employment and Occupation (No. 111), adopted by the International Labour Conference of the International Labour Organisation, urges States parties to undertake to pursue a national policy to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

1960 — The Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific, and Cultural Organization, urges States parties to undertake to apply a national policy that will tend to promote equality of opportunity and of treatment in the matter of education.

1963 — The United Nations Declaration on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly on 20 November 1963, affirms that discrimination between human beings on the grounds of race, colour or ethnic origin is an offence to human dignity, a denial of Charter principles, a violation of the rights proclaimed in the Universal Declaration of Human Rights and an obstacle to friendly and peaceful relations among peoples.

1965 — The International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly on 21 December 1965 and came into force on 4 January 1969, calls for an end to racial discrimination in all its forms. Racial discrimination is defined in the Convention as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". States parties to the Convention undertake to pursue a policy of eliminating racial discrimination and promoting understanding among races.

1966 — The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which were adopted by the General Assembly on 16 December 1966 and came into force on 3 January and 23 March 1976, respectively, put into binding legal form the rights set forth in the Universal Declaration of Human Rights. States parties to the Covenants undertake to guarantee that the rights set forth in them will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The two Covenants (including the Optional Protocol to the International Covenant on Civil and Political Rights), together with the Universal Declaration of Human Rights, constitute the "International Bill of Human Rights".

1973 — The International Convention on the Suppression and Punishment of the Crime of *Apartheid*, which was adopted by the General Assembly on 30 November 1973 and came into force on 18 July 1976, provides that international responsibility for the crime of *apartheid* shall apply to individuals, members of organizations and institutions and representatives of a State, whether residing in the State in which the acts are perpetrated or elsewhere. Persons charged can be tried by any State party to the Convention.

1973 — The Decade for Action to Combat Racism and Racial Discrimination, 1973-1983, was proclaimed by the General Assembly, beginning on 10 December 1973, as a period for intensified national, regional and international action aimed at achieving the total and unconditional elimination of racism and racial discrimination in all its forms. A detailed Programme for the Decade set forth the goals and the measures and activities to be undertaken. The Assembly called on all States to work towards the goals of the Decade by promoting human rights, especially by eradicating racism and racial discrimination, identifying and dispelling the fallacious beliefs that contribute to racism, arresting any expansion of racist policies and putting an end to racist régimes.

1978 — The World Conference to Combat Racism and Racial Discrimination, held at Geneva from 14 to 25 August 1978, at the mid-point of the Decade, adopted a Programme of Action, including recommendations for elimination by Governments of all discriminatory laws and practices, adoption of laws to punish dissemination of ideas based on racial superiority or hatred, promotion of the rights of indigenous peoples and migrant workers, and imposition of sanctions against the racist régimes of southern Africa.

1978 — The Declaration on Race and Racial Prejudice, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization, repudiates as contrary to the moral and ethical principles of humanity any theory of racial or ethnic superiority or inferiority and declares that the State has prime responsibility for ensuring human rights and fundamental freedoms.

1979 — Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. In a resolution adopted on 15 November 1979, the Assembly approved a programme for the remaining four years of the Decade designed to accelerate progress towards the elimination of racial discrimination.

1983 — The Second World Conference to Combat Racism and Racial Discrimination, held at Geneva from 1 to 12 August 1983 to evaluate the activities undertaken during the Decade, found that "in spite of the efforts of the international community during the Decade, at the national, regional and international levels, racism, racial discrimination and *apartheid* continue unabated and have shown no signs of diminishing". The Conference adopted a Declaration and a Programme of Action.

1983 — The Second Decade to Combat Racism and Racial Discrimination, 1983-1993, was proclaimed by the General Assembly on 22 November to begin on 10 December 1983. On the recommendation of the Second World Conference, the Assembly also approved a Programme of Action for the Second Decade, offering proposals for action to combat apartheid; action in the areas of education, teaching and training, as well as in the dissemination of news and information, to create an atmosphere for the eradication of racism and racial discrimination; action by non-governmental organizations to combat racism; and suggestions for other forms of international co-operation in this field.

1993 — The Third Decade to Combat Racism and Racial Discrimination, 1993-2003, was proclaimed by the General Assembly in its resolution A/48/91 of 20 December 1993. The proclamation of a third decade was imperative since, despite the efforts of the international community, the principal objectives of the two previous decades had not been attained and millions of people continue to be the victims of varied forms of racism. The General Assembly also adopted a Programme of Action for the Third Decade that called for particular attention, at the international, regional and national levels, to new expressions of racism, especially those affecting minorities, ethnic groups, migrant workers, indigenous populations, nomads, immigrants and refugees. With the end of apartheid, this Programme was subsequently revised by the General Assembly in its resolution 49/146 of 23 December 1994 to eliminate those activities originally aimed at ensuring the peaceful transition from apartheid to a democratic, non-racial regime in South Africa. A Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance was appointed to examine incidents of racial discrimination as well as governmental measures to overcome them.

1994 — End of apartheid. A long and arduous process of negotiation and international efforts led to the eradication of apartheid and the creation of a new and non-racial society in South Africa. The role of the United Nations Observer Mission in South Africa (UNOMSA), established in 1992, was to strengthen the structures of the National Peace Accord, signed between the different political parties. The main objective of the Peace Accord was to end violence and establish a peaceful transition to democracy in the country. The Observer Mission was also responsible for monitoring the electoral process at every stage. Free and fair elections took place in South Africa on 27 April 1994 after decades of United Nations involvement.

Committee on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination, established in accordance with article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination, began its work in 1970, the year after the Convention entered into force. Consisting of 18 experts, who are elected by the States parties to the Convention and serve in their personal capacity for four-year terms, the Committee reviews reports submitted by States parties on the measures they have adopted which give effect to the Convention's provisions, makes proposals and general recommendations, and assists in settling disputes among States parties concerning the application of the Convention. If necessary, the Committee is empowered to establish a conciliation commission to offer its services to States parties in any such dispute and to make recommendations for its amicable settlement.

The Convention also provides that the Committee watch for signs of racial discrimination in non-independent territories. It does this by examining petitions sent to the United Nations by colonial peoples, as well as reports by States administering territories on measures they have taken that directly relate to the principles and objectives of the Convention.

The Committee can also receive and consider communications from persons or groups, within the jurisdiction of States parties, who claim to be victims of a violation of the Convention by a State party. However, these cannot be considered by the Committee unless the State party concerned has made a declaration—provided for in article 14 of the Convention—that it recognizes the competence of the Committee to do so. At least 10 such declarations had to be made before the provisions of article 14 entered into force. The tenth State accepted this responsibility in 1982.

The Committee, which generally holds two sessions per year, either at United Nations Headquarters in New York or at the United Nations Office at Geneva, reports annually to the General Assembly on its activities.